

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

R277. Education, Administration.

R277-708. Enhancement for At-Risk Students.

R277-708-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Section 53A-17a-166, which directs the Board to manage the Enhancement for At-Risk Students interventions by:

(i) developing a funding formula;

(ii) developing performance criteria;

(iii) administering the intervention;

(iv) distributing the appropriation; and

(v) monitoring and reporting the effectiveness of the interventions; and

(c) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2)(a) The purpose of this rule is to establish criteria and procedures for distributing Enhancement for At-Risk Students funds to LEAs.

(b) The intent of the rule and the legislative appropriation is to improve academic achievement of students who are at risk of academic failure.

R277-708-2. Definitions.

(1) "At-risk of academic failure" means a k-12 public school student who: ~~[meets any of the following risk factors:]~~

(a) ~~[low performance]~~ scores below proficient on a Board or LEA approved ~~[statewide]~~ assessment; or

(b) meets an LEA governing board's approved definition of at-risk of academic failure ~~[poverty];~~

~~—— (c) limited English Proficiency; or~~

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

28 ———(d) mobility].

29 (2) "Available funds" means the total funds appropriated for the Enhancement for
30 At-Risk Students interventions, less funding designated for gang prevention under
31 Subsection 53A-17a-166(1)(b)(i).

32 (3) "Data Clearinghouse" means the electronic data collection system used by the
33 Superintendent to collect information required by law from LEAs about individual students
34 at certain points throughout the school year to support the allocation of funds and
35 accountability reporting.

36 (4) "LEA governing board" means:

37 (a) a charter school governing board; or

38 (b) a district's local school board.

39 ~~(4)~~(5) "LEA share" means the percentage of k-12 students from an LEA who are at
40 risk of academic failure compared to the total count for the state of Utah from the previous
41 school year.

42 ~~(5)~~(6) "Limited English Proficiency" or "LEP" means the total number of English
43 learner or "EL" students in an LEA from the October 1 count from the previous school year,
44 including:

45 (a) the number of EL students receiving a score of 1-4 on the English language
46 proficiency assessment; and

47 (b) the number of students previously classified as English Proficient based on a
48 score of 5 or 6 on the English language proficiency assessment.

49 ~~(6)~~(7) "Low performance on a ~~[Board approved]~~statewide assessment" means the
50 unduplicated count of k-12 students from an LEA scoring below proficient in
51 Reading/Language, Math, and Science on one of the following exams from the previous
52 school year:

53 (a) the Student Assessment of Growth and Excellence (SAGE);

54 (b) the Special Education adaptive testing Dynamic Learning Maps or "DLM"; or

55 (c) other Board approved assessment.

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

(~~7~~8) "Mobility" means the number of k-12 students enrolled less than 160 days or its equivalent in one school within a school year, as determined by the prior year's year-end average daily membership submission.

(~~8~~9) "Poverty" means the total number of k-12 students in an LEA reported as economically disadvantaged using federal child nutrition income eligibility guidelines for free or reduced-priced under the federal school lunch program from the official October 1 enrollment count from the previous school year.

R277-708-~~4~~3. Allocation of Enhancement for At-Risk Student Funds.

(1) The Superintendent shall award available funds to an LEA based on an equal weighting of:

- (a) low performance on a Board approved assessment;
- (b) poverty;
- (c) mobility; and
- (d) limited English proficiency.

(2) The Superintendent shall base an LEA's allocation on the certified data from the Data Clearinghouse using the most recent school year for which data is complete and available.

(3) The Superintendent shall use the following funding formula to determine an LEA base to distribute to LEAs:

(a) the Superintendent shall annually calculate 4% of the state appropriation of the Enhancement for At-Risk Students funding available for LEA grants to provide a base amount to LEAs.

(b) The Superintendent shall divide the base amount described in Subsection (3)(a) equally among all eligible LEAs.

(4) The Superintendent shall annually calculate 20% of the state appropriation of the Enhancement for At-Risk Students on a per school basis to provide a targeted amount to LEAs with traditional elementary schools, secondary schools, and alternative high schools

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

with at least 75% poverty.

(5) Of the funds remaining after the distributions described in Subsections (3) and (4), the Superintendent shall determine an LEA's share based on the LEA's percentage of students with at-risk factors for the state.

(6) The Superintendent shall use data from the Board's Data Warehouse for each LEA from the previous school year to determine the students who qualify under the following definitions:

(a) low performance on a Board approved assessment;

(b) poverty;

(c) mobility; and

(d) limited English Proficiency.

(7) The Superintendent shall allocate funds appropriated for at-risk factors to each LEA based on the LEA's proportion of at-risk factors in comparison to the statewide total.

(8) The Superintendent shall notify an LEA that qualifies for funding of the LEA's level of funding annually by May 1.

~~[(9) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure.]~~

~~—— (10) An LEA shall provide the following information as part of the application process:~~

~~—— (a) specific goals related to increased academic achievement of students at-risk of academic failure;~~

~~—— (b) proposed activities that are directly tied to the LEA's plan to increase student achievement;~~

~~—— (c) an annual report of the use of funds through the annual financial reporting process; and~~

~~—— (d) an annual report of intervention effectiveness based on performance criteria defined by the Superintendent.]~~

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

R277-708-[3]4. Fiscal Procedures.

(1) An LEA shall submit its application to the Superintendent annually by November 1 through the Board's grant management system.

(2) The Superintendent shall distribute available funds to LEAs with an approved application monthly based on a one-twelfth distribution beginning on July 1.

(3) An LEA shall spend all allocated funds annually by June 30.

(4) An LEA that accepts funds for Enhancement for At-Risk Students intervention services shall be subject to Board accounting, auditing, and budgeting rules and policies.

(5)(a) With written approval from the Superintendent, an LEA may carry over and spend ten percent or \$50,000, whichever is less, of state Enhancement for At-Risk Student funds in the next fiscal year.

(b) An LEA shall submit a request to carry over funds under Subsection (5)(a) to the Superintendent ~~by August 1~~ annually.

(c) An LEA shall detail approved carry over amounts in a revised budget submitted through the Board's grant management system.

(d) The Superintendent shall review and approve a revised budget submitted under Subsection (5)(c) no later than October 1 in the year submitted.

R277-708-5. Application Process.

(1) An LEA may use funds for activities that support academic achievement of students who are at risk of academic failure.

~~[(2) An LEA shall provide the following information as part of the application process:~~

~~—— (a) specific goals related to increased academic achievement of students at-risk of academic failure;~~

~~—— (b) proposed activities that are directly tied to the LEA's plan to increase student achievement;~~

~~—— (c) an annual report of the use of funds through the annual financial reporting process; and~~

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

~~(d) an annual report of intervention effectiveness based on performance criteria defined by the Superintendent.]~~

(2) An LEA shall establish the following to include in the LEA's application for Enhancement for At-Risk Student money:

(a) specific measurable goals, including a baseline measurement, related to increased academic achievement of students at-risk of academic failure;

(b) proposed activities that are directly tied to the LEA's plan to increase student achievement;

(c) a copy of the LEA's comprehensive plan for student and classroom management, and school discipline required in Section R277-609-4; and

(d) if the LEA establishes an LEA specific definition of a student at-risk of academic failure as described in Subsection R277-708-2(1)(b), the LEA governing board's approved definition of a student at-risk of academic failure.

(3) Annually, an LEA shall provide the following information to the Superintendent:

(a) a report of the LEA's use of funds through the annual financial reporting process;

(b) the LEA's outcome data related to the specific measurable goals included in the LEA's application; and

(c) a report of intervention effectiveness based on performance criteria defined by the Superintendent.

R277-708-[5]6. Oversight: Monitoring, Evaluation and Reports.

(1) The Superintendent may recommend that the Board designate no more than one percent of the total appropriation from the Enhancement for At-Risk Students to be used specifically by the Superintendent for oversight, monitoring and evaluation of:

(a) LEA implementation of the intervention; and

(b) compliance with state law and this rule.

(2)(a) An LEA that receives funding shall submit an annual evaluation report to the Superintendent consistent with Section 53A-17a-166.

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

(b) The report shall include the following performance criteria for students at-risk of academic failure:

(i) student attendance information, as defined by the Superintendent;

(ii) graduation rates;

(iii) gains in language proficiency as measured by the English language proficiency assessment;

(iv) gains in reading/language arts proficiency as measured by a Board approved assessment; and

(v) gains in mathematics and science proficiency as measured by a Board approved assessment.

(3)(a) The Superintendent shall conduct tri-annual intervention reviews of each LEA receiving Enhancement for At-Risk Students funding to ensure intervention compliance.

(b) In the Superintendent's discretion or for good cause, the Superintendent may conduct additional formal or informal:

(i) monitoring;

(ii) reviews; or

(iii) site visits.

(4) If the Superintendent identifies violations as a result of a review described in Subsection (3)(a), an LEA shall prepare and submit to the Superintendent a written corrective action plan for each finding made by the Superintendent.

(5) If an LEA fails to resolve findings identified by the Superintendent under Subsection (5), the Superintendent may withhold funds as provided in R277-114.

R277-708-[6]7. Gang Prevention and Intervention Funds.

(1) Consistent with Subsection 53A-17a-166(1)(b), the Superintendent shall distribute funding to LEAs for gang prevention and intervention.

(2) An LEA desiring to receive gang prevention and intervention funds shall submit a proposal consistent with Rule R277-436.

Revision 1
December 7, 2017

Revision 1 - Blue - New Text | ~~Red~~ - Deleted Text | Green - Reinstated Text

191 **KEY: students at risk**

192 **Date of Enactment or Last Substantive Amendment: [~~November 7, 2016~~]2018**

193 **Notice of Continuation: September 15, 2016**

194 **Authorizing, Implemented, or Interpreted Law: Art X Sec 3; 53A-17a-166; 53A-1-401**